

EXHIBIT 36

MATTERS AWAITING FINAL JUDGMENT*

Pending Adversary Proceedings:

- ***Marc S. Kirschner, as Litigation Trustee for the Litigation Sub-Trust v. James D. Dondero, et al. (In re Highland Capital Management, L.P.), Adv. Proc. No. 21-03076-sgj (Bankr. N.D. Tex.).***

James Dondero and his controlled entities filed motions to dismiss the Kirschner Adversary on July 11 and July 12, 2022, and the Litigation Trustee filed his response to the motions to dismiss on September 19, 2022. Mr. Dondero and his controlled entities responses are due November 14, 2022.

- ***Charitable DAF Fund, L.P., and CLO Holdco, Ltd., v. Highland Capital Management, L.P., Highland HCF Advisor, Ltd., and Highland CLO Funding, Ltd. (In re Highland Capital Management, L.P.), Adv. Proc. No. 21-03067-sgj (Bankr. N.D. Tex.)***

On April 12, 2021, plaintiffs filed a complaint in the District Court alleging, among other things, that Highland had breached its fiduciary duty to plaintiffs in connection with the HarbourVest settlement. On September 29, 2021, the District Court referred the matter to this Court, and this Court dismissed the action on March 11, 2022. Plaintiffs appealed to the District Court, which remanded to this Court. Highland filed its renewed motion to dismiss on October 14, 2022.

Pending Bankruptcy Court Matters, Case No. 19-34054-sgj:

- ***Motion for Determination of the Value of the Estate and Assets Held by the Claimant Trust [Docket No. 3382], as amended and supplemented by Supplemental and Amended Motion for Determination of the Value of the Estate and Assets Held by the Claimant Trust [Docket No. 3533]***

On June 20, 2022, Dugaboy filed a motion seeking a valuation of Highland's and supplemented that motion on September 21, 2022. Hunter Mountain Investment Trust filed a response effectively joining Dugaboy's motion on August 24, 2022 [Docket No. 3467]. Highland objected on August 24, 2022 [Docket No. 3465]. Responses to Highland's objections are due November 1, 2022, and Highland may respond on or before November 8, 2022. A status conference is scheduled for November 15, 2022.

- ***Motion to Conform Plan [Docket No. 3503]***

On September 9, 2022, Highland filed a motion seeking to conform the Plan to the Fifth Circuit's opinion affirming, in material part, the Confirmation Order. The Funds and the Advisors objected on September 27, 2022, and September 30, 2022, respectfully. A hearing was held on October 26, 2022 at which this Court orally approved Highland's motion, denied the Funds and Advisors' objections, and stated that it would issue a memorandum opinion.

* Chart includes pending matters as of October 31, 2022, exclusive of the Renewed Motion. All capitalized terms used but not defined in this chart have the meanings given to them in *Highland's Objection to Renewed Motion to Recuse Pursuant to 28 U.S.C. § 455 and Brief in Support*.

- ***Debtor's First Omnibus Objection to Certain (a) Duplicate Claims; (b) Overstated Claims; (c) Late-Filed Claims; (d) Satisfied Claims; (e) No-Liability Claims; and (f) Insufficient Documentation Claims [Docket No. 906] (hearing scheduled for November 1, 2022)***

On April 8, 2020, HCRE filed its proof of claim (Claim No. 146), and Highland objected. On August 12, 2022, HCRE filed a motion to withdraw its proof of claim, which was denied. A hearing is scheduled on HCRE's proof of claim for November 1 and 2, 2022.

Pending Appeals Before the District Court:

- ***Highland Capital Management, L.P. v. Highland Capital Management Fund Advisors, L.P. and NexPoint Advisors, L.P. (In re Highland Capital Management, L.P.), Adv. Proc. No. 21-03010-sgj (Bankr. N.D. Tex.), consolidated with Docket No. 1826.***

On September 14, 2022, this Court found that the Advisors breached their payment obligations to Highland under certain shared service and payroll reimbursement agreements [Adv. Docket No. 126]. The Advisors appealed to the District Court. A briefing schedule has not yet been set.

- ***Consolidated Notes Litigation, Adv. Proc. Nos. 21-03003-sgj, 21-03004-sgj, 21-03005-sgj, 21-03006-sgj, 21-03007-sgj (Bankr. N.D. Tex.).***

James Dondero and certain of his controlled entities issued promissory notes in favor of Highland prior to the bankruptcy case and subsequently defaulted on their payment obligations. Highland filed multiple adversary proceedings to collect on the notes and moved for summary judgment. On April 20, 2022, this Court held a trial, and on July 19, 2022, issued its report and recommendation to the District Court recommending summary judgment be granted. Mr. Dondero and his controlled entities have objected to the reports and recommendation, and the matter is currently pending before the District Court.

- ***The Charitable DAF Fund, LP v. Highland Capital Management, L.P. (In re Highland Capital Management, L.P.), Adv. Proc. No. 22-03052-sgj (Bankr. N.D. Tex.)***

Plaintiff filed its original complaint on July 22, 2021, in the District Court alleging that Highland breached its fiduciary duties to the DAF as an investor in Highland Multi-Strategy Credit Fund, L.P. On May 19, 2022, the District Court referred the matter to this Court for adjudication, and Highland filed its amended motion to dismiss on May 27, 2022, alleging that the DAF's claims should be dismissed for failure to comply with the administrative expense claim bar date. On September 30, 2022, this Court granted Highland's motion to dismiss, and the DAF appealed to the District Court. A briefing schedule has not been set.

- ***Motion for Modification of Order Authorizing Appointment of James P. Seery, Jr. Due to Lack of Subject Matter Jurisdiction [Docket No. 2242]***

DAF and CLOH filed a motion seeking modification of this Court's order appointing Mr. Seery as Highland's chief executive officer and chief restructuring officer, which was denied on June 25, 2021 [Docket No. 2506]. DAF and CLOH appealed to the District Court and moved to stay the appeal pending resolution of the appeal of the Confirmation Order. The District Court granted the motion to stay. On

September 26, 2022, after the Fifth Circuit affirmed the Confirmation Order in material part, Highland filed a motion in the District Court for summary affirmance of this Court's order. The matter has been fully briefed and is under advisement.

Pending Appeals to the Fifth Circuit:

- ***Debtor's Motion for Entry of an Order (i) Authorizing the (a) Creation of an Indemnity Subtrust and (b) entry into an Indemnity Trust Agreement and (ii) Granting Related Relief* [Docket No. 2491]**

Highland filed a motion seeking authority to create an indemnity subtrust, which this Court granted over Mr. Dondero, the Advisors, and Dugaboy's objections [Docket No. 2599]. Mr. Dondero, the Advisors, and Dugaboy appealed to the District Court, which affirmed this Court's order. On February 24, 2022, the Dondero entities appealed to the Fifth Circuit. Briefing is complete and oral argument is tentatively scheduled for the week of December 4, 2022.

- ***Fifth and Final Application for Compensation and Reimbursement of Expenses of Pachulski Stang Ziehl & Jones, LLP* [Docket No. 2906]**

NexPoint objected to the fees incurred by Highland's various professionals during the bankruptcy case [Docket No. 2977]. This Court denied NexPoint's objection on November 22, 2021 [Docket No. 3047]. NexPoint appealed to the District Court which denied its appeal as moot on May 9, 2022. NexPoint appealed to the Fifth Circuit on June 7, 2022. Highland's responsive brief is due on November 18, 2022.

- ***Highland Capital Management, L.P. v. James D. Dondero (In re Highland Capital Management, L.P.)*, Adv. Proc. No. 20-03190-sgj (Bankr. N.D. Tex.)**

On June 7, 2021, this Court found Mr. Dondero in contempt for violating this Court's temporary restraining order [Adv. Docket No. 190]. Mr. Dondero appealed to the District Court which upheld this Court's order on August 17, 2022. Mr. Dondero has appealed to the Fifth Circuit. His opening brief is due December 19, 2022.

- ***Motion to Compel Compliance with Bankruptcy Rule 2015.3* [Docket No. 2256] (appeal denied by District Court, appealed to Fifth Circuit)**

Dugaboy and Get Good filed a motion seeking to compel Highland to file certain reports under Rule 2015.3 [Docket No. 2256]. After a hearing, this Court denied the motion on September 7, 2021 [Docket No. 2812]. Dugaboy and Get Good appealed to the District Court, which dismissed their appeal as moot on August 8, 2021. Dugaboy and Get Good appealed to the Fifth Circuit on August 24, 2022. The Fifth Circuit has not yet set a briefing schedule.

- ***Debtor's Motion for Entry of an Order Approving Settlement with HarbourVest (Claim Nos. 143, 147, 150, 153, 154) and Authorizing Actions Consistent Therewith [Docket No. 1625]***

HarbourVest filed claims against Highland in excess of \$300 million. HarbourVest and Highland executed a settlement agreement which was approved by this Court over the objection of Mr. Dondero, Dugaboy, and Get Good [Docket No. 1788]. CLOH also objected but subsequently withdrew its objection. Dugaboy and Get Good appealed to the District Court. The District Court affirmed this Court's ruling on September 26, 2022. Dugaboy and Get Good appealed to the Fifth Circuit on October 4, 2022. The Fifth Circuit has not yet set a briefing schedule.

- ***Debtor's Motion for Entry of an Order Approving Settlement with UBS Securities LLC and UBS AG London Branch and Authorizing Actions Consistent Therewith [Docket No. 2199]***

Highland and UBS entered into a settlement agreement which was approved by this Court over the objection of Mr. Dondero and Dugaboy [Docket No. 2389]. Dugaboy and Mr. Dondero appealed to the District Court, which affirmed this Court's order on September 22, 2022. Dugaboy and Mr. Dondero appealed to the Fifth Circuit on October 4, 2022. The Fifth Circuit has not yet set a briefing schedule.

- ***Debtor's Motion for an Order Requiring the Violators to Show Cause Why They Should Not Be Held in Civil Contempt for Violating Two Court Orders [Docket No. 2247]***

On August 4, 2021, this Court found Mr. Dondero, CLOH, the DAF, and others in contempt for violating this Court's order appointing Mr. Seery as Chief Executive Officer and Chief Restructuring Officer. The contemptors appealed to the District Court, which affirmed this Court's order on September 28, 2022. On October 28, 2022, the contemptors appealed to the Fifth Circuit. The Fifth Circuit has not yet set a briefing schedule.

Potential Appeals to the U.S. Supreme Court:

- ***Order (i) Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief [Docket No. 1943]***

On September 7, 2022, the Fifth Circuit entered its order affirming this Court's Confirmation Order in material part. Certain of the Dondero parties requested an extension of time to file a petition for a writ of certiorari in the U.S. Supreme Court, which was granted and the deadline extended to January 5, 2023.